

Application No.: 09/738,433
Attorney Docket No.: SAA-35-1 (402 P 250)
Reply to Office Action of April 20, 2005

REMARKS

Claims 1-46 are currently pending. Claims 1, 9, 11, 22 and 30 have been herein amended. Support from the amendment can be found in the claims as previously pending and in the application as originally filed. No new matter has been added by the amendment. Claims 47 and 48 were previously cancelled. Accordingly, Claims 1-46 are pending.

Remarks Concerning Allowable Subject Matter

On page 9 of the April 20, 2005 Office Action, the Examiner indicated that Claims 9-11 and 30-32 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In accordance with the Examiner's suggestion, Claims 9 and 30 have been so amended. Claim 9 now includes all of the limitations of Claim 1 (as it was written prior to this amendment) and Claim 8, and Claim 30 now include all of the limitations of Claim 22 (as it was written prior to this amendment) and Claim 29. Claim 11 has been herein amended to clarify that the IED communicates with the interface module. Claims 10 and 11 depend on Claim 9, and Claims 31-32 depend on Claim 30. Based on the Examiner's suggestion, Applicants submit that Claims 9-11 and Claims 30-32 are now in condition for allowance, and request that they be allowed to issue.

Remarks Concerning the Double Patenting Rejection

On pages 2-3 of the April 20, 2005 Office Action, the Examiner rejected all pending claims under the doctrine of obviousness-type double patenting. The Examiner found that the claims of the present application, if allowed, would not be patentably distinct over the claims of U.S. Patent Application No. 09/595,159, which has issued as U.S. Patent No. 6,732,191 ("the '191 patent").

The independent claims of the present application, Claims 1 and 22, have been herein amended to clarify that the present invention comprises a first and second protocol stack, wherein communication on the first stack is processed before communication on the second

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stack. The claims of the '191 patent do not include that element, and therefore Applicants respectfully submit that the claims of the present application are patentably distinct over the claims of the '191 patent. Claims 9 and 30, which are made independent by this amendment, have been indicated by the Examiner as including patentable subject matter. Applicants therefore respectfully request that the double-patenting rejection be withdrawn, as all of the claims are now patentably distinct over those of the '191 patent.

Remarks Concerning Rejections Under 35 U.S.C. § 103

On page 3 of the April 20, 2005 Office Action, the Examiner rejected Claims 1-8, 12-19, 22-26, 29 and 33-46 as being unpatentable over U.S. Patent No. 6,618,754 to Wolff et al. in view of U.S. Patent No. 6,061,742 to Stewart et al. ("Stewart"). Upon examination of those references, Applicants respectfully submit that the Examiner's citation of those references is erroneous. The '754 patent issued to Gosling, not to Wolff et al. Notwithstanding, Applicants respectfully traverse the § 103 rejections.

The Notice of References Cited, which was attached to the April 20, 2005 Office Action, indicates that the correct patent number for Wolff et al. is U.S. Patent No. 6,209,048. Moreover, on page 3 of the April 20, 2005 Office Action, the Examiner refers to an "item 101" of Wolff. The cited '754 patent does not include an item numbered 101, but the '048 patent to Wolff does include such an item. Applicants therefore believe that the Examiner intended to refer to U.S. Patent No. 6,209,048 to Wolff et al. ("Wolff"), and not to U.S. Patent No. 6,618,754 to Gosling. This Reply is written based upon that assumption.

Wolff is directed to a peripheral control mechanism operable with a network that provides access to on-line documents. Stewart is directed to a network adaptor having a first and second computer interface. However, as the Examiner indicated on page 8 of the April 20, 2005 Office Action, neither Wolff nor Stewart discloses a dual TCP/IP stack. Claims 1 and 22 have been herein amended to clarify that the present invention comprises a first and second protocol stack, wherein communication via the first stack is processed before communication via the second stack. As the Examiner has indicated, neither Wolff nor Stewart discloses that element. Applicants therefore respectfully submit that Claims 1 and 22 are now therefore patentably

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distinct over the combination of Wolff and Stewart, and request that the § 103 rejection based on those references be withdrawn.

The Examiner, however, found that U.S. Patent No. 5,915,087 to Hammond et al. ("Hammond") discloses a dual TCP/IP stack. Based on that finding, the Examiner rejected Claims 20-21 and 27-28 on pages 8 and 9 of the April 20, 2005 Office Action, respectively. Hammond is directed to a proxy, which is part of a firewall system, that controls exchanges of messages between two application entities. Moreover, Hammond does disclose a dual TCP/IP stack (col. 3, ll. 50-65). However, Hammond makes clear that the function of its dual stack is to facilitate communication between internal and external networks; the first stack handles communication from an "internal burb" and the second stack handles communication from an "external burb" (col. 3, ll. 59-62). Hammond does not disclose or suggest that the communication on either stack is assigned a higher priority, i.e. processed more quickly, than the communication on the other stack.

Unlike Hammond, the present invention uses two protocol stacks for the purpose of processing messages more quickly on one of the stacks. As was described on page 7 of the Application, "If the incoming message is a Modbus control message, the message is then delivered to the 'smart stack'... In this manner, Modbus TCP/IP control messages are managed more quickly and efficiently than a non-Modbus control message managed by the single TCP/IP stack." In other words, the two stacks of the present invention are used to allow some communication to be assigned a higher priority for processing, i.e., to be processed more quickly. Hammond makes no such disclosure. The two stacks of Hammond are merely used to allow communication with two geographic regions. Hammond does not teach or suggest that messages on one stack are processed before messages on the other stack.

Claims 1 and 22 of the present application have been herein amended to clarify that the present invention comprises two stacks, wherein communication via the first stack is processed before communication via the second stack. Wolff, Stewart and Hammond, alone or in combination, do not disclose that element. Therefore, Applicants respectfully submit that Claims 1 and 22 are now patentably distinct over the combination of those references, and respectfully request that the § 103 rejection based on those references be withdrawn.

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Claims 2-8, 12-21, 23-29 and 33-46 are all dependent claims that depend on either Claim 1 or Claim 22, and therefore include all of the limitations of Claim 1 or Claim 22. Applicants respectfully submit that because Claims 1 and 22 are now patentably distinct over the cited references, those dependent claims are now also patentably distinct for the same reasons. Applicants therefore respectfully request that the § 103 rejection of the dependent claims be withdrawn as well.

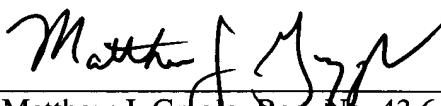
CONCLUSION

In light of the remarks and amendments made herein, Applicants respectfully submit that Claims 1-46 are in condition for allowance. Applicants respectfully request that the Examiner withdraw the rejections and allow the claims to issue. If it may be of assistance to contact the undersigned attorney regarding the present invention, the Examiner is invited to do so. The Commissioner is hereby authorized to charge Deposit Account No. 23-0280 in connection with any fees associated herewith.

Respectfully submitted,

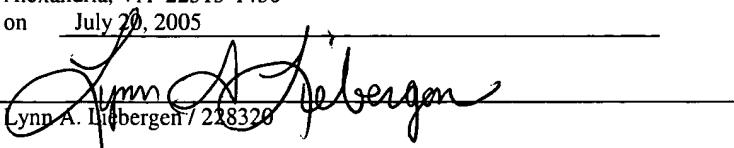
Dated: July 20, 2005

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on July 20, 2005


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